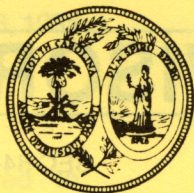


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State of South Carolina

State Ethics Commission

GARY R. BAKER
EXECUTIVE DIRECTOR

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SCN Center, Ste. 930
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Columbia, S.C. 29201

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NEWSLETTER

AUG 2 1 1984

June 1984

STATE DOCUMENTS

No. 84-003

CAMPAIGN DISCLOSURE DEADLINE JULY 12

Candidates and committees involved in the June 12 primary election who received or expended campaign funds are required to disclose their campaign finances prior to July 12. The State Ethics Act provides for such disclosure within thirty days after each election.

Candidates involved in the June 26 runoff election must file their campaign information from the primary election prior to July 12 and file any runoff election information prior to July 26. However, these candidates can file one report covering both elections if the report is filed prior to July 12.

Campaign Disclosure Forms for the filing of the campaign finance information are available from the County Clerks of Court as well as from party officials and the State Ethics Commission.

Candidates who continue to pay campaign election expenses after the filing of the Campaign Disclosure Form are required to file an update within ten days after the end of the calendar quarter. The updated report will be due prior to October 10 as a followup to the July 12 report.

CONTRACTING WITH PUBLIC AGENCIES

Public officeholders may conduct business with public agencies provided they have no involvement in the procurement process and take no official actions regarding the contract. Official action means a decision, approval, disapproval, recommendation, rendering of advice, investigation, or other similar action.

Public agencies may have promulgated their own rules and regulations which govern the manner in which business is awarded. Consistent with such policies and provided the officeholder takes no part in the procurement process and otherwise does not utilize his office to obtain the business, a public officeholder would not be prohibited from conducting business with public agencies.

COMPLAINT ACTIONS

The State Ethics Commission recently issued an opinion to an attorney for a state agency as a result of a formal complaint. The complaint was filed against the state employee by a woman whose husband's estate was probated by the employee. The woman's late husband was an employee of the state agency at the time of his death. Investigation revealed that the employee utilized normal working hours, state facilities and typewriters and utilized a state telephone number on correspondence related to the probate matter. The employee's normal working hours were flexible due to the volume of irregular hours worked for the agency.

The State Ethics Commission advised the employee against conducting any future legal work in the offices of the public agency which is not related directly to the agency activities. He was also advised against utilizing state typewriters, copying machines, or other public materials or equipment. He was further advised not to utilize his state office telephone number in the conduct of private business.

The State Ethics Commission has authority to recommend administrative or disciplinary action or refer criminal matters to the Attorney General's Office for prosecution. While these other sanctions were available, the State Ethics Commission determined that the issuance of an opinion was sufficient in this particular matter.

The Commission also referred a complaint against Rhett Outz, Chief Purchasing official of the Roebuck Fire District, to the Attorney General's Office for appropriate action. The Commission determined at a hearing held on January 18, "that Outz demonstrated wilful disregard of the State Ethics Act in failing to file the Statement of Economic Interests after proper notification." Outz filed the statement after the hearing.

DIGEST OF ADVISORY OPINIONS

SEC 84-030

January 18, 1984

**SUBJECT: LAW FIRM OF HOSPITAL
TRUSTEE REPRESENTING CLIENTS IN
ACTION AGAINST HOSPITAL**

It would appear that the law firm in which a member of the Board of Trustees of a public hospital serves would be prohibited from representing clients in actions against the hospital.

Requestor: Ladson F. Howell, Attorney
Entity: Beaufort Memorial Hospital

SEC 84-034

January 18, 1984

**SUBJECT: COUNTY COUNCILMAN'S EMPLOYER
CONDUCTING BUSINESS WITH COUNTY**

The employer of a county councilman would not be precluded from contracting with the county provided that the county councilman takes no part in any matters affecting the contract.

Requestor: G.G. Broom, Jr., Co. Administrator.
Entity: Lexington County

SEC 84-031

January 18, 1984

**SUBJECT: HOSPITAL EMPLOYEE
PURCHASING SURPLUS FILM**

A hospital employee would not be prohibited from purchasing old film from the hospital provided he is not involved in any manner in the letting of the contract to sell the film.

Requestor: John D. Page, Jr., Admin. Asst.
Entity: Hampton General Hospital

SEC 84-035

January 18, 1984

**SUBJECT: EMPLOYEES OF MAGISTRATE'S
OFFICE WORKING AFTER HOURS
AS BONDSMEN**

Employees of a magistrate's office were advised against working after hours as local representatives of a bail bondsman to preclude even the appearance of impropriety.

Requestor: Frances R. Nelson & LuSandra H. Black
Entity: Beaufort County

SEC 84-032

January 18, 1984

**SUBJECT: DEPARTMENT EMPLOYEE SELLING
DEPARTMENT COMPUTER PROGRAM**

An employee may be prohibited from selling a computer program to his agency, if his agency position responsibilities would include preparing such innovative programs.

Requestor: Dr. Malcolm U. Dantzler, MD. MPH
Entity: SC DHEC

SEC 84-036

January 18, 1984

**SUBJECT: CHIEF OF POLICE ACCEPTING GIFT
FROM POLICE DEPARTMENT MEMBERS**

A Chief of Police may accept an executive chair presented to him through donations collected from department members since it does not appear that such gift is intended to influence the chief in his official actions.

Requestor: Colonel J.L. Altman, Jr., Chief of Police
Entity: City of Beaufort, Police Dept.

SEC 84-033

January 18, 1984

**SUBJECT: SCHOOL EMPLOYEE RUNNING FOR
AND HOLDING PUBLIC OFFICE**

A public school employee would not be prohibited by the State Ethics Act from running for and holding a seat on the county council.

Requestor: Kenneth E. Bailey
Entity: Orangeburg County

SEC 84-037

January 18, 1984

**SUBJECT: EMPLOYEE OF HOUSE OF
REPRESENTATIVES AS CANDIDATE FOR
BOARD OF TRUSTEES OF WINTHROP COLLEGE**

The State Ethics Act would not prohibit an employee of the House of Representatives from offering for and serving as a member of the Board of Trustees of Winthrop College.

Requestor: Ruby H. Leverette
Entity: Word Processing Center, SC House of Rep.

SEC 84-038

January 18, 1984

**SUBJECT: REPORTING OF MAJOR
CONTRIBUTORS BY PAC**

A political action committee is required to disclose the names of any contributor of more than \$100 in accordance with section 8-13-620 of the 1976 Code of Laws.

Requestor: L.L. Schoolar

SEC 84-039

January 18, 1984

**SUBJECT: SPOUSE OF TOWN CLERK
RUNNING FOR TOWN COUNCIL**

The spouse of a town clerk would not be prohibited by the State Ethics Act from running for or holding office on town council. However, if elected, the spouse would be required to follow the disclosure and disqualification procedures of Section 8-13-460 in matters affecting the financial interests of his spouse.

Requestor: Robert L. Hartman, Jr.

Entity: Town of Ridgeway

SEC 84-040

January 18, 1984

**SUBJECT: CITY ATTORNEY
HELPING PROSECUTE CITY OFFICIAL**

A city attorney would not be prohibited by The State Ethics Act from assisting in the prosecution of a city official.

Requestor: The Hon. Cody Owens, Mayor

Entity: Town of Whitmire

SEC 84-041

March 21, 1984

**SUBJECT: TOWN COUNCILMAN BIDDING
ON TOWN INSURANCE BUSINESS**

A Town Councilman in the insurance business may bid on the town's insurance business provided he takes no action on the award of the contract and utilizes no confidential information.

Requestor: J. Wayne George, Councilman

Entity: City of Mullins

SEC 84-042

March 21, 1984

**SUBJECT: COUNTY COUNCIL MEMBER SERVING
AS OFFICER OF POLITICAL PARTY**

There are no prohibitions in the State Ethics Act against a county councilman also serving as an of-

ficer of a county political party.

Requestor: Henry B. Richardson, Jr., Co. Attorney
Entity: Sumter County

SEC 84-043

March 21, 1984

**SUBJECT: COUNTY ATTORNEY
PRACTICING CRIMINAL LAW IN COURT
OF GENERAL SESSIONS**

The State Ethics Commission reconsidered its earlier opinion 84-024 and advises that a county attorney may practice criminal law in the court of general sessions in matters in which the county has no stake in the outcome of the criminal matter.

Requestor: George M. Stuckey, Jr., Co. Attorney

Entity: Lee County

SEC 84-044

March 21, 1984

**SUBJECT: HIGHWAY DEPARTMENT
ARCHAEOLOGIST AS CONSULTANT
ON CONTRACT**

An archaeologist for the Highway Department may engage in consulting work with a contractor on a Department contract in his field of interest where there is no financial gain and where there is no action which he may take as a public employee to influence the award or the operation of the contract.

Requestor: Dr. Michael Trinkley, Ph.D.

Entity: SD Dept. Highways & Public Trans.

SEC 84-045

March 21, 1984

**SUBJECT: PHYSICIAN AS OWNER
OF PRIVATE CLINIC**

The public agency should monitor the activities of a physician who works in a public clinic treating patients while also being the principal owner of a private medical clinic in the same geographic area.

Requestor: Judith L. Finuf

Entity: MUSC

SEC 84-046

March 21, 1984

**SUBJECT: EMPLOYEE OF WOOD
PRODUCT COMPANY SERVING ON
PUBLIC SERVICE AUTHORITY BOARD**

An employee of a company which sells wood products to various electric cooperatives is not precluded from serving on the Board of the Public Service Authority which sells wholesale power to a central cooperative. If any matters for action or decision come before the Board, the member would be required to disclose his potential conflict

and disqualify himself from those matters affecting his business interest.

Requestor: R.D. Bob Bennett

Entity: Board Public Service Authority

SEC 84-047

March 21, 1984

**SUBJECT: HIGHWAY COMMISSIONERS
ACCEPTING FOOD AND LODGING
FROM VENDOR**

Members of the Highway Commission should not accept lodging from a potential vendor but may accept meals given in the course of business discussions.

Requestor: R.B. Scarborough, Commissioner

Entity: Ninth Highway District

SEC 84-048

March 21, 1984

**SUBJECT: LAW PARTNER OF TOWN
ATTORNEY RUNNING FOR TOWN COUNCIL**

The Law partner of a Town Attorney would not be precluded from serving on Town Council, however, the council member would be required to follow the disclosure and disqualification procedures of Section 8-13-460 in matters affecting the financial interests of the Town Attorney.

Requestor: William L. Howard, Attorney

Entity: Charleston

SEC 84-049

March 21, 1984

**SUBJECT: COUNTY COUNCILMAN VOTING ON
ISSUES AFFECTING POLICYHOLDERS**

A County Councilman who is an independent insurance agent would not be prohibited from participating in votes on matters affecting persons who are policyholders of his or her companies he represents. However, if the policyholders are major policyholders or if the matter before council is of direct interest to such major policyholder the provisions of Section 8-13-460 should be followed.

Requestor: Robert W. Leach, Member

Entity: Greenville Co. Council

SEC 84-050

March 21, 1984

**SUBJECT: TAX COMMISSION EMPLOYEES
PREPARING FEDERAL TAX RETURNS**

Certain employees of the Tax Commission are advised against preparing Federal tax returns.

Requestor: E. Gregorie Frampton, Director

Entity: SC Tax Comm.

SEC 84-051

March 21, 1984

**SUBJECT: STATE EMPLOYEE WITH
OUTSIDE BUSINESS INTEREST**

The Director of the Coastal Council would not be prohibited by the State Ethics Act from serving as a consultant on his own time to the Clarks-Hill Russell Authority. He would also not be prohibited from serving as a consultant on his own time to a private developer in the State of Florida. He should not accept a "finders fee" in assisting real estate developers seeking sellers or purchasers of property in the Coastal Council Zone.

Requestor: H. Wayne Beam, Director

Entity: SC Coastal Council

SEC 84-052

March 21, 1984

**SUBJECT: SCHOOL BOARD TRUSTEE SELLING
INSURANCE TO DISTRICT EMPLOYEES**

A School Board trustee is advised not to engage in solicitation of teachers for the sale of insurance policies to be payroll deducted.

Requestor: James G. Womack, Superintendent

Entity: Florence Sch. Dist. #1

SEC 84-053

March 21, 1984

**SUBJECT: EMS VENDOR BEING APPOINTED
DEPUTY COUNTY CORONER**

There appears to be no prohibitions against an EMS vendor being appointed to serve as a Deputy County Coroner.

Requestor: J. Marc Hehn, County Administrator

Entity: Dorchester County

SEC 84-054

May 16, 1984

**SUBJECT: DIRECTOR OF AUCTIONEERS
COMMISSION AS AUCTIONEER**

The Executive Director of the Auctioneers Commission would not be prohibited from performing the duties of an auctioneer without compensation in the event the auctioneer conducting the auction became ill. The State Ethics Commission advises that the Director not perform any auctions subject to the regulation of the Auctioneers Commission for compensation whether on leave or leave of absence, without pay.

Requestor: George P. Pechilis, Exec. Dir.

Entity: SC Auctioneers Commission

SEC 84-055

May 16, 1984

**SUBJECT: CITY EMPLOYEE BIDDING ON
STATE HIGHWAY CONSULTING PROJECT**

A city employee would not be prohibited from bidding on a project with the Department of Highways and Public Transportation which would be conducted on his off-duty hours.

Requestor: Carl W. Ahlert

Entity: City of Mt. Pleasant

SEC 84-056

May 16, 1984

**SUBJECT: SPOUSE OF MENTAL
HEALTH EMPLOYEE LEASING PROPERTY
LICENSED AS A BOARDING HOME BY THE
MENTAL HEALTH DEPARTMENT**

The spouse of a mental health department employee is not prohibited from leasing property to a boarding home which is licensed by the Department of Mental Health.

Requestor: Donna G. Schenck

Entity: Troy, SC

SEC 84-057

May 16, 1984

**SUBJECT: POTENTIAL CONFLICT OF
INTERESTS - TOWN ADMINISTRATOR'S
FAMILY MEMBERS OPERATING BUSINESS
WITHIN TOWN LIMITS**

It is not prohibited for the spouse, mother, and sister of a Town Administrator to operate a business licensed by the ABC Commission within the town limits.

Requestor: Frank Roberts, Town Administrator

Entity: Town of Surfside Beach

SEC 84-058

May 16, 1984

**SUBJECT: PUBLIC HOSPITAL SOLICITING LOCAL
BUSINESSES FOR DISCOUNTS TO EMPLOYEES**

There is no prohibition against a public hospital soliciting local businesses to provide discounts to hospital employees.

Requestor: J. Thomas Hector,

Acting Director of Personnel

Entity: Lexington Co. Hospital

SEC 84-059

May 16, 1984

**SUBJECT: PLANNING COMMISSIONER
CONTRIBUTING TO LEGAL FUND TO
OVERTURN COMMISSION ACTION**

The State Ethics Commission would advise a Planning Commissioner against participating in any official matters involving a project approved by the commission when he contributed to a legal fund to overturn the commission action.

Requestor: Donald Hook

Entity: Hilton Head Island

SEC 84-060

May 16, 1984

**SUBJECT: TOWN ADMINISTRATOR
PERFORMING CONSULTING WORK
FOR PRIVATE LAND DEVELOPERS**

A Town Administrator would not be prohibited from assisting private land developers on a project outside the town limits when conducted in accordance with the off-duty employment guidelines.

Requestor: Anthony J. Criscitiello,

Town Administrator

Entity: Town of Mt. Pleasant

POLITICAL ACTIVITY

A public employee is not prohibited by state statute from running for elective public office. State and local agencies may, however, promulgate their own rules and regulations governing such activity. A candidate cannot utilize public time, materials, or equipment in his campaign.

If the employee is paid with Federal funds or if his position is related to an activity which receives Federal funds, the employee may fall within the provisions of the Hatch Act. Questions concerning the applicability of the Hatch Act may be referred to the Office of Special Counsel, U.S. Merit Systems Protection Board, 1120 Vermont Avenue, N.W., Washington, DC 20410, telephone (202) 653-7188

May 18, 1984

SEC 84-088

May 18, 1984

SEC 84-088

DIGEST OF ADVISORY OPINIONS

OVERTURN COMMISSION ACTION

The State Ethics Commission would advise a Planning Commission against participating in any official matters involving a project approved by the commission when the commission is found to overturn the commission action.

Requestor: Donald Hook
Entity: Hinson Hazard Island

May 18, 1984

SUBJECT: TOWN ADMINISTRATOR PERFORMING CONSULTING WORK FOR PRIVATE LAND DEVELOPERS

A Town Administrator would not be prohibited from assisting private land developers on a project outside the town limits when conducted in accordance with the off-duty employment guidelines.

Requestor: Anthony J. Chiscille
Entity: Town of Mt. Pleasant

State Ethics Commission

SCN CENTER, STE. 930
1122 LADY STREET
COLUMBIA, S.C. 29201

A public employee is prohibited from running for state statute from running for office. However, public employees may, however, promote their own rules and regulations governing such activities. A public employee is prohibited from running for office if the employee is paid with Federal funds or if the position is related to an activity which requires Federal funds. The employee may not be related to the provisions of the Hatch Act. Questions concerning the applicability of the Hatch Act may be referred to the Office of Special Counsel, U.S. Merit Systems Protection Board, 120 Vermont Avenue, N.W., Washington, DC 20410, telephone (202) 653-7188.

SEC 84-033

SUBJECT: SCHOOL BOARD FOR SCHOOL BOARD AND HOLDON

A school board member would not be prohibited from running for office if the school board member is not a public employee.

Requestor: J. Thomas Hector
Entity: Lexington Co. Hospital

SEC 84-033

A city employee would not be prohibited from bidding on a project with the Department of Highways and Public Transportation which would be conducted on his off-duty hours.

Requestor: Carl W. Amert
Entity: City of Mt. Pleasant

May 18, 1984

SUBJECT: SPOUSE OF MENTAL HEALTH EMPLOYEE LEASING PROPERTY LICENSED AS A BOARDING HOME BY THE MENTAL HEALTH DEPARTMENT

The spouse of a mental health department employee is not prohibited from leasing property to a boarding home which is licensed by the Department of Mental Health. The spouse of a mental health department employee who has a license to operate a boarding home is not prohibited from leasing property to a boarding home which is licensed by the Department of Mental Health.

Requestor: Francis R. Nelson & Lu Sandra H. Nelson

May 18, 1984

SEC 84-033

POTENTIAL CONFLICT OF INTERESTS TOWN ADMINISTRATOR'S OPERATING BUSINESS WITHIN TOWN LIMITS

A town administrator is prohibited from operating a business within the town limits if the business is a potential conflict of interest.

Requestor: Frank Hoppe
Entity: Town of Seaside Beach

SEC 84-033

May 18, 1984

SUBJECT: PUBLIC HOSPITAL SOLICITING BUSINESSES FOR DISCOUNTS TO EMPLOYEES

There is no prohibition against a public hospital soliciting businesses to provide discounts to hospital employees.

Requestor: J. Thomas Hector
Entity: Lexington Co. Hospital